

ENTERED

April 13, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re

Alexander E. Jones,

Debtor.

Bankruptcy

Case No. 22-33553 (CML)

Chapter 11

Neil Heslin, Scarlett Lewis, Leonard Pozner,
Veronique De La Rosa, and Estate Of Marcel
Fontaine,

Plaintiffs,

v.

Alexander E. Jones and Free Speech Systems,
LLC,

Defendants.

Adv. Pro. No. 23-03035 (CML)

David Wheeler, Francine Wheeler, Jacqueline
Barden, Mark Barden, Nicole Hockley, Ian
Hockley, Jennifer Hensel, Donna Soto, Carlee
Soto-Parisi, Carlos M. Soto, Jillian Soto Marino,
William Aldenberg, William Sherlach, Robert
Parker, and Richard M. Coan, as chapter 7 trustee
for the estate of Erica Lafferty,

Plaintiffs,

v.

Alexander E. Jones and Free Speech Systems,
LLC,

Defendants.

Adv. Pro. No. 23-03037 (CML)

**STIPULATION AND AGREED ORDER REGARDING THE DISMISSAL OF FSS
FROM THE JONES ADVERSARY PROCEEDINGS AND
SCHEDULE FOR THE ANSWER AND SUMMARY JUDGMENT BRIEFING**

This Stipulation Regarding the Dismissal of FSS From the Jones Adversary Proceedings and Schedule for the Answer and Summary Judgment Briefing is entered into by and among: (a) Alexander E. Jones ("Jones"); (b) Free Speech Systems, LLC ("FSS"); (c) Neil Heslin, Scarlett Lewis, Leonard Pozner, Veronique De La Rosa and the estate of Marcel Fontaine (the "Texas

Plaintiffs”); and (d) David Wheeler, Francine Wheeler, Jacqueline Barden, Mark Barden, Nicole Hockley, Ian Hockley, Jennifer Hensel, Donna Soto, Carlee Soto-Parisi, Carlos M. Soto, Jillian Soto Marino, William Aldenberg, William Sherlach, Robert Parker, and Richard M. Coan, as chapter 7 trustee for the estate of Erica Lafferty (the “Connecticut Plaintiffs”);

WHEREAS, on July 29, 2022, FSS filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) with the United States Bankruptcy Court for the Southern District of Texas (the “Court”) (Bankruptcy Case No. 22-60043 (CML));

WHEREAS, on December 2, 2022, Jones filed a voluntary petition for relief under the Bankruptcy Code with the Court (Bankruptcy Case No. 22-33553 (CML));

WHEREAS, on March 10, 2023, the Texas and Connecticut Plaintiffs filed Adv. Pro. Nos. 23-03035 and 23-03037 against Jones and FSS within Case No. 22-60043 (the “Jones Adversary Proceedings”);

WHEREAS, on March 24, 2023, the Connecticut Plaintiffs filed their *Emergency Motion of the Connecticut Plaintiffs for Entry of an Order (A) Scheduling Certain Dates and Deadlines, (B) Establishing Certain Protocols in Connection with Such Hearings, and (C) Granting Related Relief* [Docket No. 16 in Adv. Pro. Case Nos. 23-03036 (CML) and 23-3037 (CML)] and the Texas Plaintiffs filed their *Emergency Motion of the Texas Plaintiffs for Entry of an Order (A) Scheduling Certain Dates and Deadlines, (B) Establishing Certain Protocols in Connection with Such Hearings, and (C) Granting Related Relief* [Docket No. 7 in Adv. Pro. Case Nos. 23-03034 (CML) and 23-03035 (CML)];

WHEREAS a hearing on these motions was held on Tuesday, April 4, 2023 at 11:00 a.m. (CST) before the Honorable Christopher M. Lopez, United States Bankruptcy Judge, 515 Rusk, 4th Floor, Courtroom 404, Houston, Texas 77002;

WHEREAS at the hearing, the parties informed the Court that they had met and conferred in good faith and, in interests of efficiency and to conserve judicial and estate resources, had reached an agreed-upon schedule governing the answer by Jones and the forthcoming motions for summary judgment by the Connecticut and Texas Plaintiffs in the above-captioned actions;

NOW, THEREFORE IT IS HEREBY STIPULATED, AGREED, AND, UPON COURT APPROVAL HEREOF, IT IS ORDERED THAT:

1. FSS is hereby dismissed without prejudice as a defendant from the Jones Adversary Proceedings;

2. Jones shall answer the adversary complaints in the Jones Adversary Proceedings by April 28, 2023;

3. The Connecticut and Texas Plaintiffs shall file their motions for summary judgment in the Jones Adversary Proceedings by May 12, 2023;

4. Jones shall respond to the motions for summary judgment brought by the Connecticut and Texas Plaintiffs in the Jones Adversary Proceedings by June 12, 2023;

5. The Connecticut and Texas Plaintiffs shall file their summary judgment replies in the Jones Adversary Proceedings by July 7, 2023;

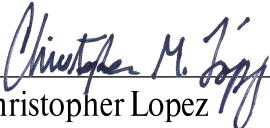
6. The Court shall hold a hearing on the motions for summary judgment brought by the Connecticut and Texas Plaintiffs in the Jones Adversary Proceedings on August 15, 2023 at 10:00 AM, and the parties shall exchange exhibit lists for this hearing by August 8, 2023.

7. For the avoidance of doubt, the Texas and Connecticut Plaintiffs agree their motions for summary judgment will be focused on the effect of the state court records—that Jones is precluded from litigating the state court findings and that the state court records (which form the basis for those findings) entitle the Texas and Connecticut Plaintiffs to summary judgment on their

claims.¹ Should the Court deny the Texas and Connecticut Plaintiffs' summary judgment motions, the parties are aware that the Court will enter a new scheduling order with a new dispositive motion deadline, and the parties expressly reserve their rights to file future motions for summary judgment.

THE FOREGOING STIPULATION IS SO ORDERED:

Signed: April 13, 2023



Christopher Lopez
United States Bankruptcy Judge

AGREED IN FORM AND SUBSTANCE:

Dated: April 12, 2023

CAIN & SKARNULIS PLLC

By: /s/ Ryan E. Chapple
Ryan E. Chapple
State Bar No. 24036354
303 Colorado Street, Suite 2850
Austin, Texas 78701
Telephone: (512) 477-5000
Fax: (512) 477-5011

Counsel to the Connecticut Plaintiffs

KOSKOFF KOSKOFF & BIEDER PC

Alinor C. Sterling (admitted *pro hac vice*)
350 Fairfield Avenue
Bridgeport, Connecticut 06604
Telephone: (203) 336-4421

**PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP**

Kyle J. Kimpler (admitted *pro hac vice*)
Christopher Hopkins (admitted *pro hac vice*)
Daniel S. Sinnreich (admitted *pro hac vice*)

WILLKIE FARR & GALLAGHER LLP

By: /s/ Jennifer J. Hardy
Jennifer J. Hardy
State Bar No. 24096068
600 Travis Street
Houston, Texas 77002
Telephone: 713-510-1700
Fax: 713-510-1799

-and-

Rachel C. Strickland (admitted *pro hac vice*)
Stuart R. Lombardi (admitted *pro hac vice*)
Ciara A. Sisco (admitted *pro hac vice*)
787 Seventh Avenue
New York, New York 10019
Telephone: 212-728-8000
Fax: 212-728-8111

MCDOWELL HETHERINGTON LLP

Avi Moshenberg
State Bar No. 24083532

¹ Defined terms used, but not defined herein, have the meanings ascribed to them in the Texas and Connecticut Plaintiffs' emergency motions discussed above.

Daniel A. Negless (admitted *pro hac vice*)
Briana P. Sheridan (admitted *pro hac vice*)
1285 Avenue of the Americas
New York, New York 10019-6064
Telephone: (212) 373-3000
Fax: (212) 757-3990

*Counsel to the Connecticut Plaintiffs other than
Richard M. Coan, as chapter 7 trustee for the
estate of Erica Lafferty*

ZEISLER & ZEISLER, PC

Eric Henzy (admitted *pro hac vice*)
10 Middle Street, 15th Floor
Bridgeport, Connecticut 06604
Telephone: (203) 368-5495

*Counsel to Richard M. Coan, as chapter 7
trustee for the estate of Erica Lafferty*

Crowe & Dunlevy, P.C.

By: /s/ Christina W. Stephenson

Vickie L Driver
State Bar No. 24026886
Christina W. Stephenson
State Bar No. 24049535
2525 McKinnon Street, Ste. 425
Dallas, Texas 75201
Telephone: (737) 218-6187

Jordan & Ortiz, PC

Shelby A Jordan
500 N Shoreline, Ste. 900 N
Corpus Christi, Texas 78401
Telephone: (361) 884-5678
Fax: (361) 888-5555

Counsel to Debtor Alexander E. Jones

1001 Fannin Street Suite 2700
Houston, Texas 77002
Telephone: 713-337-5580
Fax: 713-337-8850

**CHAMBERLAIN, HRDLICKA, WHITE,
WILLIAMS & AUGHTRY, PC**

Jarrod B. Martin
State Bar No. 24070221
1200 Smith Street Suite 1400
Houston, Texas 77002
Telephone: 713-356-1280
Fax: 713-658-2553

Counsel to the Texas Plaintiffs

Law Offices of Ray Battaglia, PLLC

By: /s/ Raymond W. Battaglia

Raymond W. Battaglia
State Bar No. 01918055
66 Granburg Circle
San Antonio, Texas 78218
Telephone: (210) 601-9405

Counsel to Debtor Free Speech Systems, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing stipulation has been served on counsel for FSS and Jones and all parties receiving or entitled to notice through CM/ECF on this 12th day of April, 2023.

/s/ Ryan E. Chapple

Ryan E. Chapple

United States Bankruptcy Court
Southern District of Texas

Wheeler,
Plaintiff
Jones,
Defendant

Adv. Proc. No. 23-03037-cml

CERTIFICATE OF NOTICE

District/off: 0541-4

User: ADIuser

Page 1 of 2

Date Rcvd: Apr 13, 2023

Form ID: pdf002

Total Noticed: 17

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 15, 2023:

Recip ID	Recipient Name and Address
dft	Alexander E. Jones, c/o 2525 McKinnon Street, Suite 425, Dallas, TX 75201
pla	+ Carlee Soto-Parisi, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ Carlos M. Soto, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ David Wheeler, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ Donna Soto, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ Francine Wheeler, Cain & Skarnulis PLLC, Ryan E. Chapple, 303 Colorado Street,, Suite 2850 Austin, TX 78701-4653
dft	+ Free Speech Systems, LLC, c/o Law Offices of Ray Battaglia, PLLC, 66 Granburg Circle, San Antonio, TX 78218-3010
pla	+ Ian Hockley, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ Jacqueline Barden, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ Jennifer Hensel, 303 Colorado Street, Suite 2850, Suite 2850, Austin, TX 78701-4653
pla	+ Jillian Soto Marino, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ Mark Barden, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ Nicole Hockley, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ Richard M. Coan, c/o Cain & Skarnulis PLLC, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ Robert Parker, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ William Aldenberg, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653
pla	+ William Sherlach, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653

TOTAL: 17

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 15, 2023

Signature: /s/Gustava Winters

District/off: 0541-4
Date Rcvd: Apr 13, 2023

User: ADIuser
Form ID: pdf002

Page 2 of 2
Total Noticed: 17

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 13, 2023 at the address(es) listed below:

Name	Email Address
Ryan E Chapple	on behalf of Plaintiff Carlee Soto-Parisi rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Richard M. Coan rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Mark Barden rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Ian Hockley rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Donna Soto rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff William Sherlach rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff David Wheeler rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff William Aldenberg rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Jennifer Hensel rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Carlos M. Soto rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Jacqueline Barden rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Francine Wheeler rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Nicole Hockley rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Jillian Soto Marino rchapple@cstrial.com apprentice@cstrial.com
Ryan E Chapple	on behalf of Plaintiff Robert Parker rchapple@cstrial.com apprentice@cstrial.com
Shelby A Jordan	on behalf of Defendant Alexander E. Jones cmadden@jhwclaw.com

TOTAL: 16